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* Authorized to represent the United States in this District.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TERON ALEXANDER FRANCIS, et al.	:	
	:	<u>ECF CASE</u>
Plaintiffs,	:	
	:	07 Civ. 9450 (GBD) (AJP)
v.	:	
	:	
THE BRONX-LEBANON HOSPITAL	:	
CENTER, et al.,	:	
	:	
Defendants.	:	
-----X		

DECLARATION OF EMILY E. DAUGHTRY

EMILY E. DAUGHTRY, pursuant to 28 U.S.C. § 1746, declares the following under penalty of perjury:

1. I am a Special Assistant United States Attorney in the office of Michael J. Garcia, United States Attorney for the Southern District of New York, attorney for defendants the Dr. Martin Luther King, Jr. Health Center, Robert C. Bingham, D.D.S., and Arnold V. Homer, D.D.S., and (“the Federal Defendants”), in the above-referenced action. I have been assigned to defend this matter, and am familiar with the proceedings herein. I make this declaration in support of the Federal Defendants’ Motion to Substitute the United States as Defendant and to Dismiss the Complaint as Against the United States.

2. Attached hereto as Exhibit A is a true and correct copy of the Verified Summons and Complaint filed in the Supreme Court of the State of New York, County of Bronx, on or about April 12, 2007, in Francis, et al. v. the Bronx-Lebanon Hospital Center, et al., Index No. 14179-07.

3. Attached hereto as Exhibit B is a true and correct copy of the Certification of Michael J. Garcia, United States Attorney for the Southern District of New York, dated September 27, 2007, certifying that defendants Robert C. Bingham, D.D.S., Arnold V. Homer, D.D.S., and the Dr. Martin Luther King, Jr. Health Center are employees of the United States for purposes of plaintiffs' claims against them.

4. Attached hereto as Exhibit C is a true and correct copy of the Federal Defendants' Notice of Removal, filed with this Court on October 23, 2007.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
October 29, 2007

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for Federal Defendants

By: /s/ Emily E. Daughtry
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